THE BOMBAY HARIJAN (REMOVAL OF SOCIAL DISABILITIES) ACT, 1946.

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BOMBAY ACT No. X OF 1947.[1]

[THE BOMBAY HARIJAN (REMOVAL OF SOCIAL DISABILITIES) ACT, 1946.]

[*12th April 1947.*]

Repealed in part by Bom. 77 of 1948.

An Act to provide for the removal of the social disabilities of Harijans.

WHEREAS it is expedient to provide for the removal of the social disabilities of Harijans; It is hereby enacted as follows:—

1. (*1*) This Act may be called the Bombay Harijan (Removal of Social Disabilities) Act, 1946. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "Harijan" means a member of a caste, race or tribe deemed to be a scheduled caste under the Government of India (Scheduled Castes) Order, 1936;

(*b*) "Hindu" includes a Buddhist, Sikh, Jain, a follower of Arya or Bramha Samaj or a convert to Hinduism;

Bom. I of 1904. (*c*) "local authority" means a local authority as defined in clause (26) of section 3 of the Bombay General Clauses Act, 1904, other than a cantonment authority or the trustees for the port of Bombay;

(*d*) "place of public amusement" means any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money, or with the intention that money may be collected from those admitted and includes a race-course, circus, theatre, music hall, billiard-room, bagatelle-room, gymnasium or fencing school;

(*e*) "place of public entertainment" means any place, whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and includes a refreshment-room, eating-house, coffee-house, boarding-house, lodging-house and hotel;

(*f*) "shop" means any premises where goods are sold either by retail or wholesale or both and includes a laundry, a hair cutting saloon or such other place where services are rendered to customers.

3. Notwithstanding anything contained in any instrument or any law, custom or usage to the contrary, no Harijan shall merely on the ground that he is a Harijan— Rights of Harijans.

(*a*) be ineligible for office under any authority constituted under any law; or

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1946, Pt. V, page 218; and for Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1946, Vol. IX, 1947, Vol. X; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1946, Vol. XI.

(*b*) be prevented from—

(*i*) having access to or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing place, burial or cremation ground, any sanitary convenience, any road or pathway which the members of all other castes and classes of Hindus have a right to use or have access to ;

(*ii*) having access to or using any public conveyance licensed by the Provincial Government or any local authority to ply for hire ;

(*iii*) having access to or using any building or place used for charitable or public purposes maintained wholly or partially out of the revenues of the Province or the funds of a local authority ;

(*iv*) having access to a place of public amusement or a place of public entertainment ;

(*v*) having access to a shop to which the members of all other caste and classes of Hindus are ordinarily admitted ;

(*vi*) having access to or using any place set apart or maintained for the use of Hindus generally but not for the use of any particular section or class thereof ;

(*vii*) enjoying any benefit under a charitable trust created for the benefit of Hindus generally but not for the benefit of any particular section or class thereof.

Discrimination against Harijans prohibited.

4. No person in charge of any of the places referred to in sub-clauses (*i*), (*iii*), (*iv*), (*v*) and (*vi*) or any conveyance referred to in sub-clause (*ii*) of clause (*b*) of section 3 shall impose any restriction on a Harijan or act in a manner as the result in discrimination against him merely on the ground that he is a Harijan.

Courts not to recognise any custom or usage imposing disability on Harijans.

5. No court shall in adjudicating any matter or executing any order recognise any custom or usage imposing any civil disability on any Harijan merely on the ground that he is a Harijan.

Local authorities not to recognise any custom or usage imposing disability on Harijans.

6. No local authority shall in carrying out the functions and duties entrusted to it under any law recognise any custom or usage referred to in section 5.

Penalties.

7. Whoever—

(*a*) prevents any person, by reason of his being a Harijan, from having access to or using any of the places referred to in sub-clauses (*i*), (*iii*), (*iv*), (*v*) and (*vi*), or any conveyance referred to in sub-clause (*ii*), of clause (*b*) of section 3 or from enjoying any benefit under a charitable trust referred to in sub-clause (*vii*) of clause (*b*) of the said section or abets the prevention thereof; or

(*b*) contravenes the provisions of section 4 or abets the contravention thereof, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 200 or with both.

Enhanced penalty in certain cases after previous conviction.

8. If any person who has been convicted of any offence punishable under this Act is again guilty of the same offence he shall be punished on the second conviction with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both and if he is again so guilty shall be punished on the third or any subsequent conviction with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to Rs. 1,000.

V of 1898.

Offences under Act cognizable.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognizable by the police.

10. [*Savings.*] *Rep. by Bom. 77 of 1948, s. 5.*

Rules.

11. The Provincial Government may make rules for the purpose of carrying out the provisions of this Act.